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RE:

**U.S. S/N 10/765,243
B-IP03003 [7666.3001.001]
ELECTION - In Response to Restriction
Requirement dated 8/03/06**

FROM:

Cary W. Brooks

DATE:

August 15, 2006

TOTAL NO. OF PAGES INCLUDING COVER: **4**

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August 15, 2006
Grace Clark
Grace Clark

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Appln No.: 10/765,243
(Attorney's Docket No. B-IP03003)

Filed: January 26, 2004
Confirmation No. 1752

Inventor: Michelle M. Haag

Art Unit: 3765

TITLE: UNDERGARMENT TO BE WORN
BY A FEMALE

Examiner: Alissa Jill Tompkins

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Arlington VA 22313-1450

ELECTION

Sir:

This is Applicant's response to the Office Action of August 3, 2006 in which all the claims 1-30 in the case were subjected to a restriction and/or election requirement.

The Office Action indicates that the application contains claims directed to the following patentable distinct species:

- I. Species I, embodiment shown in Figure 1.
- II. Species II, embodiment shown in Figure 2.
- III. Species III, embodiment shown in Figure 3.
- IV. Species IV, embodiment shown in Figure 4.

Although Applicant agrees with the Examiner that the four different groups identify patentably distinct inventions, Applicant respectfully traverses the election/restriction requirement. The election/restriction requirement is based solely on the

U.S. Appln. No. 10/765,243
Page 2

patentable distinctness of the four groups. The Examiner's attention is respectfully directed to 35 U.S.C. 121 which states: "If two or more independent and distinct inventions are claimed in one application, the director may require the application to be restricted to one of the inventions." Applicant maintains that the four patentably distinct inventions are not independent from each other, and in fact are all related. All four inventions are related to an undergarment to be worn by a woman and including a uniquely constructed second panel. Examples of independent inventions would be an invention to a combustion engine and an invention to a football. The two inventions are unrelated in that they have nothing to do with each other, and thus are independent. Applicant properly included the four patentably distinct inventions in one application for a variety of reasons including meeting statutory requirements such as that set forth in 35 U.S.C. 112. Withdrawal of the election/restriction requirement is respectfully requested.

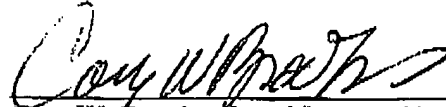
Notwithstanding, Applicant hereby formally elects to prosecute the invention of Group I, Species I, the embodiment shown in Figure 1. Claims 1-3, 6, and 8-30 read on Figure 1.

Applicant's counsel respectfully requests the Examiner to reconsider and examine all of the claims in the application in light of the fact that only claims 4-5 and 7 do not read on Figure 1. Furthermore, the Applicant is an individual inventor (housewife)

U.S. Appl. No. 10/765,243
Page 3

who will be substantially burdened by having to pursue all of the embodiments through multiple patent applications.

Respectfully submitted,



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Dated: August 15, 2006